CLASSIFICATION OFFICE DECISION

Title of publication:	163445_105537072854866_100001957217456_44218_3284719_n.jpg
Other known title(s):	Not stated
OFLC ref:	1200120.001
Medium:	Computer Image File Printout
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not stated
Applicant:	Secretary for Internal Affairs
Classification:	Unrestricted.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	29 March 2012
Date of direction to issue a label:	No direction to issue a label has been issued

Summary of reasons for decision:

The computer image file printout is classified as unrestricted.

The printout cannot reasonably be regarded as sexual in nature. The photograph shows a young girl who is nude, posing with a woman who is fully clothed. The girl appears unselfconscious and happy, and the photo would not appear out of place in a family photo album. A viewer's predisposition to regard any image of nudity as having a sexual meaning may result in a sexual interpretation, but to others the image simply depicts a young girl posing in a setting where her nudity appears appropriate.

There are no sexual elements in the image and it raises no issues under s3(1), s3A or s3B of the Films, Videos, and Publications Classification Act 1993. The printout must, therefore, be classified as unrestricted. This classification is consistent with the right to freedom of expression as set out in s14 of the New Zealand Bill of Rights Act 1990.